IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9430 OF 2007

Anil D. Bhuse. ..Petitioner.

Vs.

Union of India and ors. ..Respondents.

Shri.L.S Shetty for the Petitioner.

Shri.P.S. Jetly with Y.R. Mishra with H.P.Chaturvedi for the Respondents.

CORAM : F.I. REBELLO & R.S. MOHITE, JJ.
DATED : 20TH DECEMBER,2007.

PC :

1. Rule.

2. Heard forthwith.

3. It is the case of the petitioner that violation of the provisions of the FERA Act alleged against him was in his capacity as an employee of the ANZ Grindlays Bank subsequently merged with Standard Chartered Bank. It is pointed out that he is no longer in service and maintaining himself and family on his monthly pension. The amount of pre deposit order would financially not be within his capacity and in these circumstances, he submits that the order of pre deposit should be set aside.

4. Heard learned counsel for the parties. Considering

the financial difficulties as pointed out and as the alleged violation was in the capacity as an employee of the bank; in our opinion, the ends of justice would be met if the petitioner is given liberty to contest the order in appeal.

5. In that view of the matter impugned order is set aside. The petitioner is entitled to contest the appeal without pre deposit. We make it clear that this order has been passed on the peculiar facts of the petitioner considering the fact that he is retired and the erst while employee of the bank.

6. Rule made absolute accordingly.

7. No order as to costs.

(R.S. MOHITE, J.) **(F.I.REBELLO, J.)**